

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VIRGIN RECORDS AMERICA, INC.,	§	
<i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-cv-3742
	§	
KENNETH LILLY, JR.,	§	
	§	
Defendant.	§	

ORDER ENTERING DEFAULT, DEFAULT JUDGMENT, AND INJUNCTION

Plaintiffs have filed a motion for entry of default and default judgment against defendant Kenneth Lilly, Jr. for his failure to answer or otherwise appear. Plaintiffs have submitted a declaration and application supporting their request for default judgment, an award of statutory damages for infringed works under the Copyright Act, 17 U.S.C. § 504(a) and (c), and for an injunction.

The defendant, Kenneth Lilly, Jr., has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P., making entry of default against him proper. The plaintiffs have filed a declaration, application, and exhibits in support of their claims for statutory damages and an injunction. The plaintiffs have also sent defendant notice of the motion for entry of default and default judgment. Moreover, the defendant was ordered to appear at a Rule 16 conference in court on May 25, 2007 and failed to appear. Further notice to the defendant

and further hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P. The motion for default judgment is granted.

This court concludes that the plaintiffs have established their entitlement to default judgment against the defendant Kenneth Lilly, Jr., for the minimum statutory damages provided under section 504 of the Copyright Act (\$750.00) for each of the eight infringements alleged in the Complaint, for a total of \$6,000.00, an injunction under section 502 of the Copyright Act, and costs in the amount of \$490.00.

Kenneth Lilly, Jr. must pay \$6,000.00 in damages to the plaintiffs for infringement of plaintiffs' copyrights. Kenneth Lilly, Jr. must also pay the costs of court in the amount of \$490.00.

Kenneth Lilly, Jr. is enjoined from directly or indirectly infringing plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

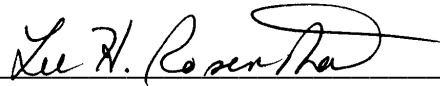
- "Untitled (How Does It Feel)," on album "Voodoo," by artist "D'Angelo" (SR# 280-480);
- "2 Become 1," on album "Spice," by artist "Spice Girls" (SR# 201-276);
- "Can't Get Enough of You Baby," on album "Astro Lounge," by artist "Smash Mouth" (SR# 264-519);
- "Water Runs Dry," on album "II," by artist "Boyz II Men" (SR# 196-004);
- "Let's Ride," on album "Let's Ride," by artist "Montell Jordan" (SR# 251-334);
- "Cherish the Day," on album "Love Deluxe," by artist "Sade" (SR# 183-731);

- “Is It a Crime,” on album “Promise,” by artist “Sade”(SR# 71-848); and
- “Paradise,” on album “Stronger Than Pride,” by artist “Sade”(SR# 93-822).

Kenneth Lilly, Jr. is enjoined from any infringing activities, including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of these recordings, to distribute (i.e., upload) any of these recordings, or to make any of these recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of the plaintiffs. Kenneth Lilly, Jr. must destroy all copies of these recordings he has downloaded onto any computer hard drive or server without plaintiffs’ authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in his possession, custody, or control.

Kenneth Lilly, Jr. must also pay the costs of court in the amount of \$490.00.

SIGNED on May 31, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge